

SENATE BILL 1547

By Jackson

AN ACT to amend Chapter 402 of the Acts of 1901; as amended and rewritten by Chapter 131 of the Private Acts of 2004; Chapter 119 of the Private Acts of 2006; Chapter 37 of the Private Acts of 2007; Chapter 36 of the Private Acts of 2007; Chapter 80 of the Private Acts of 2008; Chapter 41 of the Private Acts of 2010; Chapter 62 of the Private Acts of 2012; and any other acts amendatory thereto, relative to the City of Lexington.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 402 of the Acts of 1901, as amended and rewritten by Chapter 131 of the Private Acts of 2004, Chapter 119 of the Private Acts of 2006, Chapter 36 of the Private Acts of 2007, Chapter 37 of the Private Acts of 2007, and any other acts amendatory thereto, is amended by deleting the second paragraph in SECTION 9 and substituting the following:

The beginning of the term of the Mayor and Aldermen shall be the first Monday in October next after their election and shall end on the first Monday in October following the next election at which time they will relinquish the affairs of the City to the newly elected Board of Mayor and Aldermen. On this first Monday, they shall organize and shall hold their offices as herein provided and until their successors shall have been elected and qualified. Any vacancy occurring either of the Mayor or the Aldermen, whether by death, resignation, or otherwise, shall be filled by an affirmative vote of a majority of the remaining members of the Board, the appointee to serve until the next regular city election. At the election, the remaining unexpired term shall be filled. In the event the Mayor or Alderman should move from the municipality during their term of office, their position shall be presumed to have been vacated and it shall be declared vacant and filled by the remaining members of the Board.

SECTION 2. Chapter 402 of the Acts of 1901, as amended and rewritten by Chapter 131 of the Private Acts of 2004, Chapter 119 of the Private Acts of 2006, Chapter 36 of the Private Acts of 2007, and any other acts amendatory thereto, is amended by deleting SECTION 10 and substituting the following:

SECTION 10. The Mayor shall serve as a member of all boards and committees created by the Board of Mayor and Aldermen. The Mayor shall have a voice but shall only vote in the event of a tie, then he shall cast the vote breaking the tie at meetings of the Board of Mayor and Aldermen and at any board or committee meeting created by the Board of Mayor and Aldermen.

SECTION 3. Chapter 402 of the Acts of 1901, as amended and rewritten by Chapter 131 of the Private Acts of 2004, Chapter 119 of the Private Acts of 2006, Chapter 36 of the Private Acts of 2007, Chapter 41 of the Private Acts of 2010, and any other acts amendatory thereto, is amended by deleting SECTION 11 and substituting the following:

SECTION 11. The Board of Mayor and Aldermen shall, at the regular meeting in October following a City election, elect, for a term of two (2) years, an Alderman to the office of Vice-Mayor who shall serve as Mayor when the Mayor is absent or unable to discharge the duties of the Mayor's office, and, in case of a vacancy in the office of Mayor, until the position is filled by an affirmative vote of a majority of the remaining members of the Board, the appointee to serve until the next regular city election. At the election, the remaining unexpired term of the Mayor shall be filled. The Vice-Mayor shall have a voice and a vote when serving as Mayor.

SECTION 4. Chapter 402 of the Acts of 1901, as amended and rewritten by Chapter 131 of the Private Acts of 2004, Chapter 80 of the Private Acts of 2008, Chapter 62 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting SECTION 13 and substituting the following:

SECTION 13. Departments and Offices. A City Recorder shall be appointed by the Mayor and Board of Aldermen to serve as financial agent of the City and custodian

of funds, budgets and records. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Recorder or his or her designees shall keep and preserve the City Seal and all official records not required by law or ordinance to be filed elsewhere; attend all meetings of the Board and keep a full and accurate record preserved in permanent form of all business transacted by the Board; administer functions for necessary and proper municipal operations; make such reports of the finances of the City as required and called on by the Mayor and Board; assess and collect all taxes and fees due the City; and conduct other such duties as required by the Mayor and Board. This officer must reside within Henderson County and shall take an oath to faithfully perform the duties of this office.

In addition to those created by this Charter, the Mayor and Board may create new departments and offices or combine or abolish existing departments and offices and prescribe their duties and functions.

All departments shall be administered by an officer appointed by and subject to the direction of the Mayor and Board until removed from office for cause or resignation. These officers must reside within Henderson County and shall take an oath to faithfully perform the duties of this office.

SECTION 5. Chapter 402 of the Acts of 1901, as amended and rewritten by Chapter 131 of the Private Acts of 2004, as amended by Chapter 80 of the Private Acts of 2008, Chapter 41 of the Private Acts of 2010, Chapter 62 of the Private Acts of 2012, and any other acts amendatory thereto, is amended in SECTION 14, Subsection (b) by deleting the last sentence of the last paragraph, which reads:

The general manager must reside within the corporate city limits and shall take an oath to faithfully perform the duties of his office
and by substituting instead the following:

The general manager must reside within Henderson County and shall take an oath to faithfully perform the duties of his office.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Lexington. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.